

EXHIBIT O

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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NICOLE MORRISON, as Administrator for the
Estate of Roberto Grant, and NICOLE MORRISON,
as Mother and Legal Guardian for the Property
of AG and SG, Decedent's Minor Children,

Plaintiffs,

-against- 17 Civ. 6779 (WHP)

UNITED STATES OF AMERICA, FEDERAL BUREAU OF
PRISONS, CORRECTION OFFICER KERN, EXECUTIVE
ASSISTANT LEE PLOURDE, and JOHN AND JANE DOE(S)
AGENTS, SERVANTS AND EMPLOYEES OF THE DEFENDANTS,

Defendants.

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REMOTE VIDEOCONFERENCE DEPOSITION OF
ROY TIMOTHY GRAVETTE, a non-party witness herein,
located in Lafayette, Louisiana 70503, taken by
the Defendants, pursuant to Rule 26, held on
Wednesday, February 24, 2021, at 10:30 o'clock
a.m., before Deborah Moschitto, a Shorthand
Reporter and Notary Public of the State of New
York.

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2 APPAREANCES:

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4 LAW OFFICE OF ANDREW C. LAUFER, PLLC
5 Attorneys for Plaintiffs
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10 UNITED STATES ATTORNEY'S OFFICE
SOUTHERN DISTRICT OF NEW YORK
11 Attorneys for Defendant
UNITED STATES OF AMERICA
86 Chambers Street - 3rd Floor
12 New York, New York 10007

13 BY: LUCAS ISSACHAROFF, ESQ.

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2 STIPULATIONS

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4 IT IS HEREBY STIPULATED AND

5 AGREED by and between the attorneys for the

6 respective parties hereto, that the filing,

7 sealing and certification of the within

8 deposition be waived; that such deposition

9 may be signed and sworn to before any officer

10 authorized to administer an oath; that all

11 objections, except as to the form, are

12 reserved to the time of the trial.

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1 R. Gravette

2 THE COURT REPORTER: Hello. My
3 name is Deborah Moschitto. I'm a Shorthand
4 Reporter and Notary Public of the State of
5 New York.

6 This deposition is being held via
7 videoconferencing equipment. The witness and
8 reporter are not in the same room. The
9 witness will be sworn in remotely pursuant to
10 agreement of all parties. The parties
11 stipulate that the testimony is being given
12 as if the witness was sworn in person.

13 Do counsel so stipulate?

14 MR. LAUFER: Yes.

15 MR. ISSACHAROFF: Yes.

16 THE COURT REPORTER: The witness
17 is located in Louisiana and I'm located in
18 New York. Do counsel stipulate to me
19 swearing in the witness?

20 MR. LAUFER: Yes.

21 MR. ISSACHAROFF: Yes.

22 R O Y T I M O T H Y G R A V E T T E,
23 the witness herein, having been duly
24 sworn by Deborah Moschitto, a Notary
25 Public in and for the State of New York,

1 R. Gravette

2 was examined and testified as follows:

3 EXAMINATION BY

4 MR. ISSACHAROFF:

5 Q. Good morning, Mr. Gravette. My
6 name is Lucas Issacharoff. I'm an AUSA in
7 the Southern District of New York, and I
8 represent the United States in this lawsuit.

9 During today's deposition, I'm
10 going to ask you a series of questions which
11 you will answer under oath.

12 Do you understand that you are
13 under oath and that you have sworn to tell
14 the truth?

15 A. Yes, I do.

16 Q. Before we get started, I'd like
17 to go over a few ground rules.

18 Have you been deposed before?

19 A. Yes.

20 Q. So you're familiar with the
21 process, but I'll just go through them
22 quickly.

23 The court reporter is going to
24 take a transcript of what we say, and
25 especially because we're doing this over

1 R. Gravette
2 video, it's especially important that we not
3 talk at the same time because that can create
4 problems with the transcript. So if you
5 could do your best to let me finish asking a
6 question before you answer, I will do my best
7 to let you finish answering before I ask my
8 next question.

9 Does that make sense?

10 A. Yes, it does.

11 Q. Similarly, you must give a verbal
12 response to each question, because the court
13 reporter cannot record a nod or a shake of
14 your head, as you're doing so far.

15 Does that make sense?

16 A. Yes, it does.

17 Q. If at any time you don't
18 understand my question, it's very important
19 for you to tell me so that I can clarify.

20 Will you tell me if you don't
21 understand my question?

22 A. Yes, I will.

23 Q. If you don't tell me when you
24 don't understand a question, I'm going to
25 assume that you understand what I am asking.

1 R. Gravette

2 Does that make sense?

3 A. Yes, it does.

4 Q. If you ever want or need to take
5 a break, please let me know and we will take
6 one. The only caveat is that if I have asked
7 you a question, I may request that you answer
8 it before we take a break. The only caveat
9 to that caveat is that if you need to consult
10 with Mr. Laufer about a matter of
11 attorney-client privilege, you can do so
12 before answering a question; okay?

13 A. Okay.

14 Q. From time to time, you may hear
15 counsel object to my question, but unless he
16 instructs you not to answer, once he has
17 stated his objection, please go ahead and
18 answer.

19 A. Okay.

20 Q. Have you taken any drugs or
21 medications today?

22 A. No, I haven't.

23 Q. Is there any other reason why you
24 would not be able to understand my questions
25 and respond fully and truthfully?

1 R. Gravette

2 A. No, there isn't.

3 Q. Do you have a copy of your expert
4 report in this case in front of you?

5 A. Yes, I do.

6 MR. ISSACHAROFF: I'm going to
7 mark that report as Exhibit 1, but I think if
8 we all have our own copies, rather than me
9 try to share it on the screen, we can all
10 just look at our own and agree that we're
11 looking at the same document.

12 MR. LAUFER: That's fine.

13 THE WITNESS: That's fine.

14 MR. ISSACHAROFF: This is the
15 report of Tim Gravette produced on
16 December 1, 2020.

17 (Report of Tim Gravette, produced
18 12/1/20, marked Exhibit 1 for
19 identification.)

20 Q. Is the report I'm referring to
21 your complete report in this matter?

22 A. Yes, it is.

23 Q. Have you had a chance to review
24 your report between when you finalized it and
25 today?

1 R. Gravette

2 A. Yes, I have.

3 Q. In reviewing your report, did you
4 find anything that you wanted to change or
5 supplement or correct?

6 A. No, sir.

7 Q. Based on your review of the
8 materials in this matter, did you reach any
9 conclusions?

10 A. Yes.

11 Q. What were the conclusions that
12 you reached?

13 A. They're outlined in my report.

14 I'd be happy to look at it.

15 Q. Okay. Where would we go to see
16 what those conclusions are?

17 A. "Present opinions," on page 7.

18 Q. Okay. So is your first
19 conclusion that the United States Government
20 had a duty to protect Mr. Roberto Grant from
21 harm during the time he was incarcerated at
22 the Metropolitan Correctional Center?

23 A. That is part of my opinions.

24 However, there are some conclusions
25 throughout the report.

1 R. Gravette

2 Q. Okay. Well, can you -- whether
3 you want to refer to this portion of the
4 report or the report as a whole, can you
5 state for me what the opinions you're
6 offering are?

7 A. The opinions I'm offering are
8 that the Metropolitan Correctional Center and
9 the Federal Bureau of Prisons had a duty to
10 protect Roberto Grant, and that they also had
11 a duty to solve the case that happened, and
12 they were unable to. They concluded that the
13 case was closed.

14 That based on my review of the
15 information, and the information provided by
16 the staff who were there, I'm of the opinion
17 that Roberto Grant, more than likely died as
18 a result of horseplay and also the use of K2.

19 Q. Any other opinions?

20 A. Not at this moment.

21 Q. Did you conclude that any -- and
22 when I say BOP, do you understand me to be
23 referring to the Bureau of Prisons?

24 A. Yes.

25 Q. Did you conclude that any BOP

1 R. Gravette

2 officer directly harmed Mr. Grant?

3 A. No, I did not.

4 Q. Did you conclude that there was
5 any deficiency or negligence in the manner in
6 which BOP officers responded to Mr. Grant's
7 medical emergency once they were alerted?

8 A. Not a medical emergency, no.

9 Q. Did you conclude that there was
10 any wrongdoing or negligence in the manner in
11 which BOP officers attempted to resuscitate
12 Mr. Grant or transported him to the hospital?

13 A. No.

14 Q. So in what respect would you say
15 that BOP officers or employees failed to
16 fulfill their obligations in this matter?

17 A. Captain Ward and Lieutenant
18 Delaney, both in their deposition testimony,
19 confirmed that the Correctional Officers
20 Kearins and Georgopoulos was supposed to make
21 rounds at least every 30 minutes, not to
22 exceed 40, and Ms. Georgopoulos, in her
23 testimony, she stated they made rounds a few
24 times during the shift. A few times is not
25 every 30 minutes.

1 R. Gravette

2 So, therefore, there was a lack
3 of supervision as what's directed by the
4 captain and the shift supervisor.

5 Q. So the wrongdoing that you find
6 is that Officers Kearins and Georgopoulos did
7 not conduct rounds as frequently as they
8 should have and that this reflects a failure
9 of supervision by Lieutenant Delaney and
10 Captain Ward; is that correct?

11 A. Well, that's part of the
12 supervision, is to ensure that they're making
13 the proper rounds. She last -- Georgopoulos
14 last saw Roberto Grant alive at the
15 10:00 p.m. count, and then she responded to
16 the medical emergency when the inmates
17 started yelling to get their attention,
18 somewhere around 11:40 p.m., which is over an
19 hour and a half later.

20 Q. I just want to try to clarify
21 whether, in your view, any other BOP officer
22 did anything else wrong in connection with
23 Mr. Grant's death other than the failure to
24 make rounds as frequently as they should
25 have.

1 R. Gravette

2 A. Right. Failure to supervise the
3 inmate population as directed by their
4 supervisor, and then also Lieutenant Delaney
5 shared some responsibility in that because he
6 is the shift supervisor.

7 Q. Okay. In your review of the case
8 materials, were you -- did you come across
9 any threats or credible threat to Mr. Grant
10 or his safety that should have been addressed
11 by BOP?

12 A. There was none that I saw.

13 Q. All right. We'll return to the
14 questions as to rounds as well as your other
15 opinions, but for now I want to walk through
16 your career and qualifications.

17 Can you walk me through your
18 educational background beginning with high
19 school?

20 A. I graduated from Leesville High
21 School in Leesville, Louisiana, and I
22 attended some college, but no degree.

23 Q. Okay. And was it immediately
24 after you attended college that you began to
25 work at BOP?

1 R. Gravette

2 A. No, it's not.

3 Q. What jobs did you have between
4 college and BOP?

5 A. I worked in a retail automobile
6 sales, worked in the Gulf of Mexico,
7 production platform. I worked as an
8 insurance sales representative.

9 Q. And in 1990, you joined BOP?

10 A. Correct.

11 Q. In what capacity did you first
12 join BOP?

13 A. As a correctional officer.

14 Q. And where was -- was that in --
15 where were you first assigned?

16 A. Talladega, Alabama.

17 Q. And what were your roles and
18 responsibilities as a correctional officer

19 A. Primary role of a correctional
20 officer is the safety and security and
21 orderly running of the facility, to supervise
22 inmates in their daily work details, housing
23 unit areas, feeding, making sure they get to
24 their assigned appointments and that sort of
25 thing.

1 R. Gravette

2 Q. Did you have any investigative
3 role or capacity as a correctional officer?

4 A. Yes. I worked in -- I'm sorry.

5 Q. I'm sorry, go ahead.

6 A. I worked in the special
7 investigative supervisor's office as a
8 telephone monitor, as well. I assisted with
9 some of the investigations.

10 Q. Okay. And how long were you a
11 correctional -- a CO for? And by that I mean
12 before being -- I'm sorry, let me rephrase
13 that.

14 How long were you a CO at
15 Talladega? And by that I mean at what point
16 were you either promoted or transferred?

17 A. I was a correctional officer at
18 Talladega from June of 1990 till October of
19 1993, and then I was promoted to GS-9
20 lieutenant and moved to the Federal Detention
21 Center in Miami, Florida.

22 Q. Okay. And what was your -- what
23 were your responsibilities as a GS-9
24 lieutenant?

25 A. The GS-9 lieutenant, I was -- the

1 R. Gravette

2 activities lieutenant at both the Federal

3 Detention Center and the Metropolitan

4 Correctional Center in Miami, supervised

5 inmates as well as staff in the performance

6 of activities, make sure that everyone, the

7 inmates were fed, make sure they got to their

8 areas of responsibility and that sort of

9 thing.

10 Q. You reviewed the deposition of
11 Lieutenant Delaney in this case; is that
12 correct?

13 A. Correct.

14 Q. Do you recall what level of
15 lieutenant he was?

16 A. He was a GS-11 lieutenant,
17 operations lieutenant.

18 Q. Okay. And did you become a GS-11
19 lieutenant after you were a GS-9?

20 A. Correct. After eleven months, I
21 was promoted to GS-11 lieutenant in Miami,
22 Florida.

23 Q. And what were your roles and
24 responsibilities as a GS-11?

25 A. GS-11 lieutenant, I was a special

1 R. Gravette

2 housing unit lieutenant for a while, I was

3 the operations unit, the same as Delaney, for

4 a while. I did some administrative

5 lieutenant duties during that period of time.

6 I was disturbance control squad leader,

7 special operation response team leader.

8 Q. And were you transferred to
9 another -- one or more other facilities while
10 you were a GS-11?

11 A. Yes. I transferred -- in 1995 I
12 transferred to the Federal Correctional
13 Institution at Estill, South Carolina.

14 Q. And then at some point were you
15 promoted to GS-12 captain?

16 A. Yes, in December of 19 -- I
17 believe it was '97, to the Federal Detention
18 Center in Oakdale, Louisiana.

19 Q. And then in 1999, were you
20 transferred to another facility?

21 A. Yes, the Federal Correctional
22 Institution in Edgefield, South Carolina as a
23 GS-13 captain.

24 Q. And then I see on your resume
25 that you became an associate warden at three

1 R. Gravette

2 facilities from 2001 to 2010?

3 A. Correct.

4 Q. What were those three facilities?

5 A. I went back to the Federal

6 Correctional Institution in Talladega,

7 Alabama, and then following that, I

8 transferred to the Federal Correctional

9 Complex in Beaumont, Texas, and then my

10 assignment with the Bureau of Prisons was at

the Federal Correctional Institution in Three

12 Rivers, Texas.

Q. What security levels were those

14 three institutions?

15 A. Talladega, it was a medium

16 security facility with an administrative unit

17 that housed -- at one time housed Mary Lee to

18 Cubans, and then later on it housed other

19 inmates from other facilities that were

20 problematic in the southeast region.

21 And at that unit, the Federal

22 Correctional Complex in Beaumont, Texas

had a federal prison camp, we had a low

24 security facility, we had a meeting sec

facility and United States penitentiary,

1 R. Gravette

2 which covers all of them, all security levels
3 there.

4 And at the Federal Correctional
5 Institution in Three Rivers, Texas, it was a
6 medium security facility with an attached
7 federal prison camp.

8 Q. What security level or what type
9 of facility is the Metropolitan Correctional
10 Center in New York?

11 A. Administrative.

12 Q. And are there differences in how
13 inmates are supervised between these
14 facilities?

15 A. No. I've worked at two
16 administrative facilities: The Federal
17 Detention Center in Miami, Florida, as well
18 as the Federal Detention Center in Oakdale,
19 Louisiana, and safety and security and
20 orderly running of the facility is the same.
21 Supervision of the inmates is the same. The
22 count procedures are the same.

23 There are some differences
24 because of physical layouts and that sort of
25 thing, but overall, supervising inmates is

1 R. Gravette

2 customary, custom and practice basically
3 industry-wide.

4 Q. And in 2010, did you leave BOP?

5 A. I retired, yes, I did.

6 Q. And since then, have you operated
7 Gravette Consulting?

8 A. Yes.

9 Q. And what do you do in that
10 capacity?

11 A. I assist -- normally I assist
12 people in the legal profession with
13 correctional safety cases involving jails,
14 prisons. I've done audits. I've worked with
15 the Department of Justice going out with a
16 Civil Rights Division, inspecting
17 institutions. I worked creative corrections
18 for a while, auditing ICE facilities. I
19 worked with the Office of Personnel
20 Management doing investigations.

21 Q. Since your -- since you retired
22 from BOP, what percentage of your work would
23 you say has been consulting in litigation?

24 A. For the past I would say five
25 years, it's been -- that's what I've done.

1 R. Gravette

2 Q. Okay.

3 A. Plus try to be retired and play a
4 little golf.

5 Q. Good. And do you typically
6 represent the plaintiff or the injured party
7 in litigation -- I'm sorry, are you typically
8 hired by attorneys representing the plaintiff
9 or the injured party in litigation?

10 A. No. No, it's about 60/40 with
11 the defense, on the defense side. I work for
12 Virginia Regional Jail Authority. I work for
13 the National Association of Counties. I work
14 for several states doing defense work, as
15 well as the Federal Government.

16 Q. Is there any experience that you
17 would consider relevant to the opinions you
18 offer in this case, missing from your CV?

19 A. NO.

20 Q. Do you currently hold any
21 professional licenses?

22 A. No, I do not.

23 Q. Have you ever held any
24 professional licenses?

25 A. No, I'm not required to.

1 R. Gravette

2 Q. Have you ever been the subject of
3 any form of disciplinary action or sanction
4 from an employer or any licensing board or
5 association?

6 MR. LAUFER: Objection. You can
7 answer.

8 A. I received a letter of reprimand
9 for cursing in a meeting one time in the
10 Bureau of Prisons, which was removed after
11 six months, but that's all I've ever done.

12 Q. Have you ever been investigated,
13 aside from that, for professional misconduct?

14 MR. LAUFER: Objection. You
15 could answer.

16 A. Yes, yes.

17 Q. In what -- can you tell me what
18 was involved in that?

19 A. When I was in Beaumont, Texas, we
20 had an inmate who was on a food strike, he
21 wasn't eating, hadn't eaten in days, and I
22 was the associate warden with responsibility
23 for his medical services.

24 And I went and talked to him. I
25 told him, "Man, you're going to have to eat."

1 R. Gravette

2 If you don't, we're going to have to force
3 feed you, make sure you're okay." So he
4 submitted a complaint saying that I
5 threatened him. I didn't threaten him. I
6 was trying to get him to eat.

7 So that was investigated and
8 quickly thrown out, so, again that's -- I've
9 been pretty crystal clear on most things.

10 Q. Anything else aside from that?

11 A. No, not that I recall.

12 Q. Have you ever been named as a
13 defendant in a lawsuit?

14 A. Yes.

15 Q. One or more times?

16 A. I think three.

17 Q. And in what -- what were the
18 nature of those lawsuits?

19 A. One was one of the bombers from
20 the original bombing that happened in New
21 York City. His name was Ajaj.

22 And when the second bombing
23 happened in 2001, I was captain of the
24 Federal Correctional Institution in South
25 Carolina, and he was there, so we secured him

1 R. Gravette
2 in a special housing unit on orders from the
3 DOJ, around the clock, and put a video on
4 him. And he sued me, the warden, everybody
5 he could think of, because we locked him up
6 and that was one.

7 When I was in Beaumont, Texas, we
8 had a hurricane and a group of inmates got
9 together and filed a lawsuit and said that
10 they weren't treated well during the
11 hurricane. That was thrown out.

12 And there was another guy in
13 Edgefield, South Carolina, that stated that
14 myself and 17 other people beat him up at the
15 same time, which is kind of out there and the
16 court threw that out.

17 So that's all I had.

18 Q. The World Trade Center bomber,
19 what happened with that case?

20 A. It was dismissed.

21 Q. Okay. So all three of these were
22 dismissed?

23 A. Yes, as far as I know. I never
24 heard anything more about them.

25 Q. Okay. In your capacity as an

1 R. Gravette

2 expert witness, has the court ever refused to
3 accept your expert testimony or report for
4 whatever reason?

5 A. In Phoenix, Arizona I was
6 relatively new at it and the court didn't
7 refuse the report. What the court required
8 me to do was to rewrite the report because
9 the incident was a disruptive inmate and
10 there were several staff members who had to
11 restrain him, and when I wrote the original
12 report, I wrote it as they were a group, and
13 the judge says: No, you have to rewrite it
14 and individually what did he do, he did,
15 that's all.

16 And the Dolvert (phonetic) thing,
17 that's out there somewhere, that comes up.

18 Q. Is this the Attendo v. Apire
19 (phonetic) case?

20 A. Yes.

Q. And then any other instances?

22 A. Not that I'm aware.

23 Q. What about the Lizarazo v.

24 Greaves case in the district of Florida in
25 2018?

1 R. Gravette

2 A. The last I heard on that was

3 Lizarazo passed away and his father decided
4 not to pursue the suit. That's all I heard.

5 Q. What do you consider to be your
6 areas of expertise?

8 Q. Do you have any expertise in
9 pathology?

10 A. Pathology, no.

11 Q. Which areas of your expertise did
12 you rely on in offering the opinions in your
13 report in this case?

14 A. My experience as a correctional
15 officer, my experience as a supervisor, line
16 supervisor, lieutenant, my experience as a
17 captain and also my experience as
18 administrator.

19 Q. And on which aspect of your
20 training did you rely?

21 A. All of my Bureau of Prisons
22 training, including the investigative
23 training that I attended and my experience in
24 that.

Q. In your 20-year career at the

1 R. Gravette

2 Bureau of Prisons, did an inmate ever die in
3 custody in a facility where you were
4 employed?

5 A. Yes.

6 Q. Could you estimate roughly how
7 many?

8 A. Four.

9 Q. Do you recall each of those?

10 A. In Edgefield, South Carolina, a
11 murder and an overdose. Three Rivers, Texas,
12 a suicide and a homicide.

13 Q. With respect to the murder in
14 Edgefield, South Carolina, is it your view
15 that that murder reflected negligence on the
16 part of one or more BOP employees?

17 A. No.

18 Q. With respect to the overdose in
19 Edgefield, South Carolina, is it your opinion
20 that that reflected negligence on the part of
21 one or more BOP employees?

22 A. Not that I recall.

23 Q. With respect to the suicide at
24 Three Rivers, Texas, is it your opinion that
25 that reflected negligence on the part of one

1 R. Gravette

2 or more BOP employees?

3 A. The housing unit also in that
4 instance was disciplined for not properly
5 making rounds and checking on the inmates.

6 Q. And what about the homicide in
7 Three Rivers, Texas?

8 A. No.

9 Q. Was the -- in the Three Rivers,
10 Texas suicide, was the inmate who committed
11 suicide under continuous observation?

12 A. No.

13 Q. They weren't in any sort of
14 medical or specialized unit?

15 A. No, he wasn't.

16 Q. Okay. Is it fair to say that the
17 death of an inmate in BOP custody does not
18 necessarily reflect negligence on the part of
19 BOP employees?

20 A. Sometimes it's negligence and
21 sometimes it's not.

22 Q. Okay. What did you do to prepare
23 for today's deposition?

24 A. I briefly went through my notes
25 and then I read over my report a few times.

1 R. Gravette

2 Q. Did you speak with anyone about
3 this deposition, other than plaintiff's
4 counsel?

5 A. No.

6 Q. Other than the documents listed
7 in your -- in the appendix to your expert
8 report, did you review any other documents in
9 preparation for this deposition?

10 A. No, just my notes. The notes are
11 reflected in the report, so basically it's
12 the same thing.

13 Q. Okay. You said that you have
14 notes that are reflected in the report?

15 A. Well, I mean, when I reviewed the
16 case material, I take notes as to what I want
17 to try to, you know, highlight.

18 MR. ISSACHAROFF: I'd ask that
19 those notes be produced.

20 MR. LAUFER: Make a request in
21 writing. We'll take it under advisement.

22 Tim, just preserve them and you
23 can e-mail them to me.

24 THE WITNESS: Okay.

25 (Document request)

1 R. Gravette

2 Q. How long did you spend preparing
3 for today's deposition?

4 A. I would call it an hour.

5 Q. I always ask that, but today
6 since I'm paying for it, it's of special
7 importance.

8 A. Okay. Should I say five?

9 Q. Turning back to your report,
10 aside from plaintiff's counsel, did anyone
11 assist you in preparing this report?

12 A. No, sir.

13 Q. And aside from the documents
14 listed as Exhibit B, did you consider any
15 other sources in forming your opinions in
16 this case?

17 A. No, sir.

18 Q. Did you review any BOP policies,
19 handbooks or procedures in forming your
20 opinions in this case?

21 A. Let me double-check.

22 (Pause.)

23 A. No, I did not.

24 Q. Do policies, procedures and

25 handbooks ever differ between BOP facilities?

1 R. Gravette

2 A. Yes, they do.

3 Q. Did you review any policies,
4 procedures or handbooks specific to the
5 Metropolitan Correctional Center in
6 connection with preparing your report?

7 A. I don't have them listed in my
8 Exhibit B. As far as that, I depended on
9 what the lieutenant and captain said as far
10 as making rounds and then the rest of it, I'm
11 familiar with.

12 Q. You reviewed several depositions
13 before forming your opinions in this case; is
14 that correct?

15 A. Yes, I did.

16 Q. In forming your opinions, did you
17 assume that any of that deposition testimony
18 was truthful or untruthful?

19 A. Sworn testimony, if they say it
20 is truthful, I have to consider it to be that
21 way, unless I know otherwise.

22 Q. Did plaintiff's counsel ask you
23 to make any assumptions on which you relied
24 in forming your opinions in this case?

25 A. No.

1 R. Gravette

2 Q. If you could turn to page 3 of
3 your report, which I have as page 17 of the
4 PDF -- that might not be right. I'm sorry,
5 no, that's not correct. I have it as page 8
6 of the PDF, or 7, my computer is still being
7 a little odd -- the numbered page 3 of your
8 report, if you could turn to that, which
9 begins, "The following is a description of
10 the incident."

11 A. Yes, sir.

12 Q. Can you read the last sentence on
13 this page?

14 A. "Based on my review of the case
15 material, this is when K2 was smoked in the
16 unit and when the rumored horseplay took
17 place where" -- I put "granted," but "Grant
18 was allegedly choked."

19 Q. What in your review of the case
20 materials leads you to conclude that K2 was
21 smoked in the unit at this time?

22 A. Inmate said that he had smoked K2
23 during the day with Grant. Officer
24 Georgopoulos said when she was waiting to get
25 inside the grille, she could see the inmates

1 R. Gravette

2 in there spraying. Another responding staff
3 member stated that he could smell smoke in
4 the unit.

5 Q. Okay. What in the case materials
6 leads you to conclude that horseplay took
7 place?

8 A. The testimony of Georgopoulos, of
9 Officer Georgopoulos. She had rumors from
10 other inmates. She had other inmates tell
11 her there was possible horseplay, that he was
12 choked. And also the Medical Examiner's
13 report, as well as Dr. Hal. I put all that
14 together and determined that that was a
15 strong possibility.

16 Q. What leads you to believe that
17 the horseplay took place between 10:00 p.m.
18 and 11:40 p.m. on May 18, 2015?

19 A. Could you repeat those times
20 again, please?

21 Q. Sure. 10:00 p.m. and 11:40 p.m.
22 on May 18, 2015.

23 A. Because at the ten o'clock count,
24 when Georgopoulos went to the unit to count,
25 he was standing at his bunk, everything was

1 R. Gravette

2 okay. And then at 11:40, approximately when
3 they went in and found him unresponsive, he
4 was unresponsive as well as he urinated on
5 himself and he had water on his upper torso.

6 Q. Is it fair to say that if the
7 horseplay had taken place prior to
8 10:00 p.m., you would not view that as a
9 likely cause of Mr. Grant's death?

10 A. I would have to say that I would
11 view the horseplay as the likely cause of his
12 death because what the Medical Examiner said,
13 and also Dr. Hal, and the rumors of
14 horseplay, because if somebody chokes you
15 out, you're not going to be okay at ten
16 o'clock after you've been choked out and then
17 be unresponsive later. That doesn't make
18 sense.

19 Q. Okay. So if the horseplay took
20 place -- it's your opinion that it must have
21 occurred between 10:00 p.m. and 11:40 p.m.?

22 A. That's -- that's the way it's
23 indicated to me.

24 Q. Is it fair to say that the
25 information you have on alleged horseplay

1 R. Gravette
2 comes from Officer Georgopoulos' statements
3 regarding a rumor that she heard from an
4 inmate?

5 A. Yes.

6 Q. And is it your understanding that
7 that inmate, who spoke to Officer
8 Georgopoulos, observed the horseplay
9 firsthand?

10 A. I would have to go back to the
11 notes, but that's the way I understood it. I
12 mean, he's in the unit. He knows what's
13 going on in there. Inmates know what happens
14 in their unit.

15 Q. Do you consider a rumor being
16 relayed by an inmate to a CO to be a reliable
17 source of information?

18 A. When you put the rumor together
19 with the damage that he had as indicated by
20 the Medical Examiner, yes.

21 Q. Is it your understanding that
22 Officer Georgopoulos directly observed any
23 horseplay involving Mr. Grant?

24 A. She did not indicate that she did
25 that.

1 R. Gravette

2 Q. Can I ask you to turn to page 5
3 of your report?

4 A. Okay.

5 Q. If you go to the last sentence of
6 the first paragraph on that page, do you see
7 where it says, "I am of the opinion the
8 probability of inmate horseplay in 11 South,
9 which included the choking of Grant, possibly
10 played a part in his death."

11 A. Yes.

12 Q. What do you mean when you say,
13 "The probability of inmate horseplay"?

14 A. The FBI was never able to say
15 exactly what happened. The Medical Examiner
16 had undetermined. And I put that in my
17 report, that I don't know for sure what
18 happened, but I do know that the probability,
19 and that's why I used the word "probability,"
20 that horseplay played a part in the death of
21 Roberto Grant in that unit.

22 Q. And when you say the probability
23 of horseplay, is that less than 50 percent,
24 more than 50 percent, more than 80 percent?
25 Can you kind of give me a ball park of what

1 R. Gravette

2 you're talking about?

3 A. It's a high probability, a high
4 probability. I would say 80 or above. If I
5 were a betting man, yes.

6 Q. And when you say "possibly played
7 a part in his death," is that -- can I
8 interpret that to -- let me rephrase that.

9 When you say possibly played a
10 part in his death, does that mean that even
11 if horseplay occurred, it is possible that
12 that did not play a part in his death?

13 MR. LAUFER: Objection. You can
14 answer.

15 A. If horseplay occurred, as
16 described.

17 And also another thing that I
18 relied on there was Officer Georgopoulos who,
19 worked that unit, was familiar with that unit
20 and familiar with the inmates, she stated in
21 her deposition that she thought it was a
22 murder. And I put in my report that I did
23 rely heavily on what she said because she was
24 the person there.

25 Q. Is it possible, though, that even

1 R. Gravette

2 if horseplay did occur, that that did not
3 cause Mr. Grant's death?

4 MR. LAUFER: Objection. You can
5 answer.

6 A. That's why I said probability.

7 In my testimony today, I'm saying it's a very
8 high probability that that was one of the
9 causes of death.

10 Q. In your experience at BOP, did
11 inmates ever engage in horseplay?

12 A. Yes.

13 Q. Let me back up.

14 If you look at the bottom
15 paragraph on page 4, you cite to Code 220 in
16 the inmate -- BOP and inmate discipline
17 policy?

18 A. Yes.

19 Q. And that prohibits horseplay, as
20 you read it?

21 A. Yes, based on my experience, that
22 prohibits horseplay.

23 Q. And was Code 220 in effect or
24 something substantially similar to Code 220
25 in effect during your career at BOP?

1 R. Gravette

2 A. Yes.

3 Q. So is it fair to say that

4 horseplay was prohibited when you worked at
5 BOP as well?

6 A. Yes, that's true.

7 Q. So if an inmate engaged in
8 horseplay, they would be violating Code 220;
9 is that correct?

10 A. That's the way I read it, and
11 that's the way I recall it, yes.

12 Q. Would the fact that an inmate
13 engaged in horseplay mean that a BOP officer
14 had necessarily failed to follow BOP rules,
15 policies or procedures?

16 A. No, not every time.

17 Q. Is it your opinion that if
18 Mr. Grant engaged in horseplay, this would
19 reflect a failure by guards to follow BOP
20 rules, policies or procedures?

21 MR. LAUFER: Objection. You
22 could answer.

23 A. If the correctional officers were
24 aware that Mr. Grant was involved in
25 horseplay and they did not intervene or do

1 R. Gravette

2 anything to stop it, then they would be
3 complacent.

12 Q. Let me take the first part of
13 that first.

14 You said that if officers
15 observed or were aware of horseplay and
16 failed to intervene, that they would be
17 responsible for that?

18 A. Well, sure.

19 Q. Based on your review of the
20 materials in this case, do you have any
21 reason to believe that BOP officers observed
22 or were aware of Mr. Grant's engaging in
23 horseplay?

24 MR. LAUFER: Objection. You can
25 answer.

1 R. Gravette

2 A. No. No.

3 THE WITNESS: I'm sorry, Andy.

4 MR. LAUFER: Don't worry, Tim,
5 you're doing fine.

6 Q. You also indicated that in this
7 case, you believe that the officers are
8 responsible because they failed to do rounds;
9 is that correct?

10 A. Yes, sir.

11 Q. In your experience at BOP, do
12 inmates engage in horseplay even when
13 officers are doing rounds at appropriate
14 intervals?

15 A. It's a possibility, yes.

16 Q. So can you conclude, with
17 reasonable certainty, that Mr. Grant would
18 not have engaged in horseplay if Officers
19 Kearins and Georgopoulos had done their
20 rounds at proper intervals?

21 MR. LAUFER: Objection. You
22 could answer.

23 A. I could not conclude with
24 100 percent certainty that had they made
25 their rounds that that wouldn't happen, but I

1 R. Gravette
2 could say the probability of them making the
3 rounds and on scheduled times as directed to
4 by their supervisor, would prevent and help
5 deter activity like horseplay, gambling, K2
6 smoking, you name it.

7 That's why the officers make
8 rounds, is to keep the inmates on their toes
9 and from doing things. But you can't stop
10 everything.

11 Q. If I can ask you to turn to
12 page 6 of your report --

13 A. Okay.

14 Q. -- if you look at the last
15 sentence of that page, can you read that last
16 sentence?

17 A. Yes. "Given the information, the
18 use of K2 in 11 South on the night of Grant's
19 death, I am of the opinion, based on my
20 review of the case material, K2 also played a
21 role in his death.

Q. So what in your review of the case materials leads you to this conclusion?

24 A. My review of the case material is
25 that the inmates were using K2, that they had

1 R. Gravette

2 an issue with K2 that night, based on
3 Delaney's testimony.

4 And the use of K2, which is
5 synthetic marijuana, will sometimes cause
6 people to act out of the ordinary. And
7 horseplay is not for young guys with A-plus
8 personalities, like a lot of these guys had,
9 you combine K2, their personalities, that
10 kind of setting, you are going to have things
11 like horseplay and other issues.

12 Q. Okay. So, sorry, I just want to
13 clarify that.

14 So when you say K2 played a role
15 in his death, is it your belief that he may
16 have had an adverse reaction to K2 or that K2
17 may have led to behaviors such as horseplay
18 that played a role in his death?

19 A. Like I said earlier, nobody is
20 certain exactly what happened. But you've
21 got the K2, you've got the rumors of them
22 putting him in a shower trying to wake him
23 up, so that's a level of intoxication. You
24 also have the horseplay.

25 There were several things

1 R. Gravette
2 happening at one time and my opinion is had
3 those officers been in and out of that unit,
4 or at least at the grille doing something, we
5 may have avoided that. But they went from
6 10:00 p.m. until roughly 11:40, which means
7 they should have checked that unit at least
8 twice in that amount of time.

11 A. Yes.

12 Q. Was illegal drug use prohibited
13 at that time?

14 A. Yes, it was.

15 Q. Did the fact that inmates engaged
16 in illegal drug use mean that guards had
17 failed to follow BOP rules and/or rules,
18 policies and procedures?

19 A. In some rare instances, yes. But
20 normally, no. I mean inmates have 24 hours a
21 day, 365 days a year to figure out how to
22 beat the correctional officer. So inmates,
23 they're going to use drugs, they're going to
24 have sex, they're going to make wine, they're
25 going to drink it, they're going to gamble,

1 R. Gravette

2 they're going to plot escapes. They're going
3 to murder somebody every once in a while.
4 There's going to be some assaults. There's
5 all kind of things.

6 You know, Judge Thomas said that
7 prison is a tough place, basically what he
8 said, not in those exact words, but, yeah,
9 things happen there. But that's why you have
10 rules and regulations and policies and
11 procedures to cut down on that.

12 Q. Those things that you mentioned,
13 that list of inmate misbehavior and
14 wrongdoing, that can happen even if guards
15 are following all of the BOP rules, policies
16 and procedures; is that correct?

17 A. Correctional officers following
18 all their rules, policies and procedures, in
19 some instances, it does happen.

20 Q. Can you state with reasonable
21 certainty that Mr. Grant would not have used
22 K2 on the night of his death if Officers
23 Kearins and Georgopoulos had followed BOP
24 rules, policies and procedures?

25 MR. LAUFER: Objection. There's

1 R. Gravette

2 no indication in the record that Mr. Grant
3 used K2, but I'll allow him to answer the
4 question.

5 A. The possibility of him using K2
6 still exists, but I go back to making
7 irregular rounds. The more you're in that
8 unit, the more you're observing those inmates
9 and they know you're coming around. It's
10 less likely that they're going to do things.

11 Q. And let me ask the same question:
12 Can you state with reasonable certainty that
13 other inmates in the unit would not have used
14 K2 on the night of Mr. Grant's death if
15 Officers Kearins and Georgopoulos had made
16 regular rounds?

17 A. If they would have made regular
18 rounds as directed by their supervisors, the
19 likelihood would have been decreased.

20 Q. Is it your opinion that -- let me
21 ask you this: Would your view of this
22 matter, or any of your opinions in this
23 matter, change if you learned that Mr. Grant,
24 himself, had smuggled in the K2 that was used
25 on the night of his death?

1 R. Gravette

2 A. No.

3 Q. You've noted several times that
4 Officers Kearins and Georgopoulos did not
5 conduct rounds in the manner that they were
6 directed to do so; is that correct?

7 A. That's correct.

8 Q. And what is the basis for your --
9 for that assertion?

10 A. Their immediate supervisor, the
11 operations lieutenant, Lieutenant Delaney,
12 and their overall supervisor, their captain,
13 Captain Ward, who is in charge of the
14 correctional services department which
15 includes Kearins and Georgopoulos.

16 Q. And Officer Delaney and Captain
17 Ward both indicated that rounds should be
18 conducted roughly, or that rounds should be
19 conducted during each roughly 30 to 40-minute
20 block; is that correct?

21 A. Yes.

22 Q. And what is your basis for
23 concluding that Officers Kearins and
24 Georgopoulos did not follow that guidance?

25 A. Georgopoulos' testimony where she

1 R. Gravette

2 says that -- I'm sorry.

3 Q. Continue.

4 A. -- where she said they would make
5 rounds a few times during their shift. A few
6 times during an eight-hour period is a long
7 way from 16 required rounds.

8 Q. Do you know how many -- what
9 Officer Georgopoulos means by "a few times"

10 A. I don't know exactly what she
11 means about a few times, but I know that
12 normally when someone says "a few," they mean
13 two or three or four. That's a few. It's a
14 long way from 16.

15 Q. Do you know whether Officers
16 Georgopoulos and Kearins observed -- I'm
17 sorry, let me rephrase that.

22 A. She didn't indicate that she did.

23 Q. And what's your basis for saying
24 that?

A. Because there is no indication in

1 R. Gravette

2 any of the material that I reviewed that she
3 went back to the unit between that time, that
4 hour and 40 minutes.

5 Q. And what would -- if she had done
6 so, where would that be indicated?

7 MR. LAUFER: Objection. You can
8 answer.

9 A. She would have indicated that in
10 her testimony.

11 Q. Okay. But you would not expect
12 it to show up in, for example, a true scope
13 log or any other written documents each time
14 officers made rounds?

15 A. Not in a general population unit,
16 no.

17 Q. Okay.

18 A. Unless there are some changes
19 since I did it, but I don't know of any, and
20 I keep up with all that stuff.

21 Q. So just to be clear, your only
22 basis for asserting that Officer Georgopoulos
23 did not observe Mr. Grant's tier between
24 10:00 p.m. and 11:40 p.m. that night is her
25 deposition testimony?

1 R. Gravette

2 A. Her deposition testimony as well
3 as what happened in that period of time. You
4 got inmates smoking K2 in the unit. You got
5 inmates trying to revive Grant, taking him to
6 the shower area. So, I mean, if she was
7 making those rounds and in and out of that
8 unit, it's a high probability that those
9 things wouldn't have taken place.

10 Q. Based on your review of the
11 testimony, when the officers did rounds, did
12 they enter the units?

13 A. Yes, according to Georgopoulos,
14 they entered the units because they would
15 have had to go in and check the bathrooms and
16 she specifically said that they checked the
17 bathrooms.

18 Q. Okay. So is it your
19 understanding that Officers Georgopoulos and
20 Kearins would have done the rounds together?

21 A. Sure. In an open bay unit like
22 that, I would expect them to.

23 Q. So when they do rounds, it's not
24 your understanding that they could do rounds
25 simply by looking through the gate at the

1 R. Gravette

2 entrance to the unit?

3 MR. LAUFER: Objection. You
4 could answer.

5 A. They could do that. I would
6 prefer that they actually go into the unit
7 and walk through. But that's why I had
8 mentioned earlier in my testimony today that
9 had they simply gone to the grille and looked
10 around, I mean, that would deter a lot of
11 things.

12 Q. And if they went to the -- if
13 they were just going to the grille and
14 looking around, would that, in your view, be
15 a violation of BOP rules, policies or
16 procedures?

17 A. The way the captain put it, and
18 the way that Delaney put it, they should make
19 rounds in that unit, which would include
20 going inside the grille. There's nothing,
21 based on my experience and training, that
22 would prohibit them from going inside that
23 grille just to make rounds. It's been done
24 for years and years and years.

25 Q. Okay. It's your understanding

1 R. Gravette

2 that the unit where Grant was housed was a
3 dormitory style unit; is that correct?

4 A. Yes.

5 Q. And how many separate units were
6 in the area patrolled by Officers
7 Georgopoulos and Kearins that night?

8 A. I don't know.

9 Q. Okay. But let's say that I would
10 represent to you that there were six
11 different dormitory style units that were in
12 the area of their responsibility, would it be
13 your expectation that they would enter each
14 of those units at least once every half hour?

15 A. I'm not sure how you're
16 representing that because based on the
17 testimony of Lieutenant Delaney, that is the
18 only dormitory style unit in the facility.

19 Q. Is it your understanding that
20 there were different tiers of that unit?

21 A. Well different tiers, yeah, but
22 that's not a different unit. A tier is just
23 a tier within a unit. I'm not trying to be
24 argumentative. I'm sorry.

25 Q. No, no, it's helpful to clarify.

1 R. Gravette

2 Is it your understanding that
3 each tier would have its own gate?

4 A. Normally, no. You have one main
5 gate on the bottom floor and then you walk up
6 the stairs to the second tier.

7 Q. I see, okay.

8 Can you conclude, with reasonable
9 certainty, that Officers Georgopoulos and
10 Kearins did not conduct rounds on Mr. Grant's
11 tier between 10:00 p.m. and 11:40 p.m. on
12 that evening?

13 A. Based on the information I
14 reviewed I cannot say that they did. I found
15 no indication that they did make rounds
16 during that period of time.

17 Q. Can you affirmatively rule out
18 that they made rounds during that period of
19 time?

20 MR. LAUFER: Objection. You
21 could answer.

22 A. Not with 100 percent certainty.
23 That would be a question for those guys.

24 Q. Can you conclude with reasonable
25 certainty that Mr. Grant would not have died

1 R. Gravette

2 if Officers Georgopoulos and Kearins had
3 conducted rounds every 30 to 40 minutes?

4 A. No, I cannot.

5 Q. Have you formed any other
6 opinions in this action that we have not
7 discussed today?

8 A. Not that I can think of.

9 Q. Are there any opinions that you
10 intend to offer at a trial in this action
11 that we have not discussed today?

12 A. Not at this time.

13 MR. ISSACHAROFF: Let's take five
14 minutes while I review my notes, just to see
15 if I have anything else.

16 MR. LAUFER: I'll just have a
17 quick follow-up, but not much.

18 MR. ISSACHAROFF: Okay. So let's
19 come back at 11:35.

20 MR. LAUFER: That's fine. Is
21 that good with you, Tim?

22 THE WITNESS: That's fine. Thank
23 you.

24 (Recess taken.)

25 MR. ISSACHAROFF: Back on the

1 R. Gravette

2 record.

3 Q. Mr. Gravette, in preparing
4 your -- in coming to your opinions in this
5 case, did you review BOP interviews of
6 inmates in Mr. Grant's unit?

7 A. Yes.

8 Q. And did you review FBI 302s of
9 interviews of inmates in Mr. Grant's unit?

10 A. Yes, I did.

11 Q. Can you summarize for me
12 briefly -- let me rephrase that.

13 Would you agree that generally
14 speaking, the 302s and the BOP interviews of
15 the inmates who were in Mr. Grant's unit on
16 the night that he died reflected that he was
17 sitting on his bunk or walking and having a
18 conversation when he slumped over?

19 MR. LAUFER: Objection. You can
20 answer.

21 A. The interviews were all over the
22 place. You had different inmates telling you
23 different things.

24 Q. What were those different things?

25 A. I have to refer to my notes real

1 R. Gravette

2 quick.

3 Q. Please go ahead and do so.

4 A. Okay. The first, page 15 of my
5 notes, you've got Ramocca (phonetic) says
6 that the staff doesn't believe the windpipe
7 rumor. The next guy, Bookman, said inmates
8 were trying to stand Grant up to revive him.
9 I heard a rumor he was dropped. Rashad
10 Simpson saw Grant grab his chest and fell to
11 the floor. Ricky Ford: Grant sat on his
12 bunk, sat up, passed out.

13 A little bit of everything.

14 Q. Do any of the inmate interviews,
15 whether by BOP or by the FBI and the
16 prosecutors, reflect that Grant was engaged
17 in horseplay immediately prior to his
18 slumping over or collapsing?

19 A. I don't recall anyone saying
20 immediately before. I recall reading about
21 some rumors. Some inmates bought into the
22 rumors. Some of them didn't.

23 But having worked for that
24 environment for years and years, it's hard to
25 get the true story of what actually happened

1 R. Gravette

2 when you're dealing with the inmate
3 population, and that's why I depended on what
4 the officer said, Georgopoulos.

5 I'm sorry, I'm having trouble
6 with that name.

7 Q. But Georgopoulos -- it's your
8 understanding that Georgopoulos didn't
9 directly observe any sort of horseplay;
10 correct?

11 A. No. But she heard the rumor that
12 she was told by the inmates, as well as what
13 she said during her deposition testimony,
14 that she felt that's what happened.

15 Q. So is it fair to say that on the
16 one side, you have Georgopoulos replaying a
17 rumor from an inmate and reaching her own
18 conclusions as to what happened and on the
19 other side, you have several inmates
20 testifying that something different happened?

21 MR. LAUFER: Objection. You can
22 answer.

23 A. Right.

24 Q. If Mr. Grant had died from a K2
25 overdose, would it be your opinion that his

1 R. Gravette

2 death was attributable to wrongdoing or
3 negligence by any BOP officers?

4 MR. LAUFER: Objection. You can
5 answer.

6 A. His death also was attributed to,
7 part of his death was his wind pipe and as
8 well as his problems -- excuse me, I'm trying
9 to use the proper word, not abrasions, but
10 issues that were noted by the Medical
11 Examiner on his neck and his throat area.

12 Now, as far as the K2, was the
13 staff responsible? Like we've gone over
14 before, the likelihood of him and the other
15 inmates using K2, if that's the case, would
16 have been greatly diminished had the officers
17 made rounds properly.

18 Q. Have you reviewed the expert
19 report of Dr. James Gill in this case?

20 A. Dr. James Gill? Not that I
21 recall, no.

22 Q. Okay. So I understand that, you
23 know, what you've said about the Medical
24 Examiner and Dr. Hal's report, but let me
25 just ask you again: If there were evidence

1 R. Gravette
2 or let me put it this way: If you knew that
3 Mr. Grant had died solely due to a K2
4 overdose or an adverse reaction to K2, would
5 you believe that his death was attributable
6 to the negligence or wrongdoing of BOP
7 officers or guards?

10 A. If that were the case, I would
11 have to reconsider my opinions. However, I
12 do not see that as the case, because he did
13 have injuries consistent with horseplay and
14 being choked. That is what was said by
15 Dr. Hal and from what I read in the Medical
16 Examiner's report and the other things that I
17 put in all together.

18 Q. Okay, but I believe that you
19 state in your report -- hold on a moment.

20 In your report you state that you
21 do not profess or claim to be a medical
22 expert or a trained medical professional; is
23 that correct?

24 A. Yes.

Q. And you also state that you can

1 R. Gravette

2 only speculate as to what happened to

3 Mr. Grant on May 18, 2015; is that correct?

4 A. What page are you reading that
5 from? Sorry.

6 Q. That's on page 7 of your report,
7 the first sentence of the second paragraph.

8 A. Yes, that's what it says.

9 Q. If you had credible evidence that
10 Mr. Grant was, in fact, conversing with other
11 inmates in his unit when he suddenly
12 collapsed and lost consciousness, would that
13 change any of your views or opinions in this
14 matter?

15 MR. LAUFER: Objection. You can
16 answer.

17 A. I would have to read those
18 interviews and see in what context those
19 interviews were taken and by whom, whose
20 interviews were taken before I would be able
21 to opine on that.

22 Q. Before you would be able to opine
23 on whether they were credible; is that
24 correct?

25 A. Correct.

1 R. Gravette

2 Q. But if they were credible and if
3 you had some reason to know or believe that
4 Mr. Grant was talking and conversing
5 immediately prior to his loss of
6 consciousness, would that change your views
7 in this case?

8 MR. LAUFER: Objection. You can
9 answer.

10 A. If Mr. Grant was conversing and
11 suddenly collapsed and we had credible
12 evidence to support that, then I would have
13 to re-look at it and see. But I can't tell
14 you what I would do on "if" information.

15 MR. ISSACHAROFF: Okay. I have
16 no further questions at this time.

17 MR. LAUFER: I just have a couple
18 of follow-up, Tim.

19 EXAMINATION BY

20 MR. LAUFER:

21 Q. So I'd like to draw you to page 6
22 of your report, towards the top. Let me know
23 when you get there.

24 A. I'm here. I'm there.

25 Q. So this addresses some of the

1 R. Gravette
2 testimony of Lieutenant Delaney, does it not,
3 where I begin towards the top, "Did you have
4 any issues with drug transactions occurring
5 with 11 South on or before the incident
6 involving my client?"

10 I'm going to fast forward a
11 little bit down to, "On the night" -- of your
12 report where you write, "On the night Grant
13 found unresponsive, there were other inmates
14 in 11 South who had been overcome with the
15 effects of K2," and he made the following
16 statement in his deposition testimony, and
17 we're referring to Lieutenant Delaney again,
18 "I found out the next day that several
19 inmates had overdosed on K2 on that same tier
20 where inmate was. They actually -- I think
21 there were maybe three or four other inmates
22 and the other inmates tried -- took them
23 either in the -- you know, the shower or the
24 toilet area and were putting water on their
25 faces to revive them. I remember that

1 R. Gravette
2 specifically, you know, hearing that news,
3 that there were several of the inmates on
4 tiers themselves who had also overdosed and
5 they were not able to bring those inmates
6 back. When it came to Grant, he was
7 unresponsive to the point that that didn't
8 happen."

I'm not sure what that last line
is, but I guess suffice to say, after reading
that testimony I just put there, that you put
in your report here, and begin the directives
that Delaney had given Kearins and
Georgopoulos, in terms of doing rounds, would
inmates overdosing in a particular unit draw
more attention on a particular round than it
normally would during regular times where you
don't have incidents occurring within a unit?

19 A. With that amount of activity
20 within the unit, and I put that in the
21 report, that there should have been extra
22 emphasis placed on that unit by Kearins and
23 Georgopoulos in making rounds, maybe getting
24 some help up there. If what he's saying is
25 accurate, and I'm sure it is, it's like they

1 R. Gravette

2 were having a party in there that night.

3 Q. So the supervision of this
4 particular unit where Mr. Grant was found
5 dead that evening, on that same evening
6 should have drawn more attention from prison
7 personnel because of these overdoses?

8 A. That's correct.

9 Q. Now, I think counsel asked you a
10 question regarding the additional rounds,
11 would they have prevented Mr. Grant's death,
12 and I believe you said no. Well, it may not
13 have prevented it, but would it have made it
14 substantially less likely that Mr. Grant
15 would have died that evening had Georgopoulos
16 and Kearins done their rounds as they were
17 directed to by their superiors?

18 A. Yes. And if I'm not mistaken, I
19 said that in my earlier testimony today, that
20 the probability would have decreased had they
21 been making more rounds in the unit.

22 Q. And you believe that to a
23 reasonable degree of prison condition's
24 certainty or correction's certainty?

25 A. Yes, I mean that's based on

1 R. Gravette
2 experience. I mean, when you have inmates --
3 officers sitting in the office not doing what
4 they're supposed to be doing, bad things
5 happen.

6 There is a very famous case at
7 the MCC where a guy committed suicide up
8 there when the officers weren't doing what
9 they were supposed to be doing so...

10 Q. That's Jeffrey Epstein?

11 A. Yes.

12 MR. LAUFER: Thank you. I have
13 nothing further.

14 MR. ISSACHAROFF: I just have a
15 quick redirect.

16 FURTHER EXAMINATION

17 BY MR. ISSACHAROFF:

18 Q. You were just asked about whether
19 officers should have assigned more resources
20 or more supervision or given more attention
21 to that unit given the apparent frequency of
22 drug use. In your role, you had roughly 15
23 or more years experience as a supervisor at
24 BOP facilities; is that correct?

25 A. Yes.

1 R. Gravette

2 Q. And in those roles, would you
3 ever have to make determinations about where
4 to allocate resources and assign frequency of
5 supervision or attention?

6 A. Yes. I was involved, and
7 sometimes you would have to beef up an area
8 when you have troubled spots.

9 Q. Is there any rule or policy or
10 regulation or BOP handbook that says
11 specifically how resources or supervision or
12 attention should be allocated?

13 A. There is some guidance, however
14 it's based on experience, sound correctional
15 management techniques, the information that
16 you have at that given moment and that given
17 time as to how you allocate your resources.

18 Q. Is it fair to say that you would
19 use your judgment and discretion in making
20 those decisions?

21 A. Yes.

22 MR. ISSACHAROFF: No further
23 questions.

24 MR. LAUFER: We're done. I don't
25 think I have anything else.

1 R. Gravette

2 MR. ISSACHAROFF: Thank you so
3 much, Mr. Gravette.

4 THE WITNESS: Thank you.

5 MR. ISSACHAROFF: Thank you for
6 your long service.

7 THE WITNESS: Thank you very
8 much. You guys stay warm up there.

9 (Time noted: 11:57 o'clock a.m.)

10 ROY TIMOTHY GRAVETTE
11

12 SUBSCRIBED AND SWORN TO
BEFORE ME THIS DAY
13 OF , 2021.

14 NOTARY PUBLIC

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3 WITNESS EXAMINED BY PAGE

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* * *

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10

E X H I B I T S

	GOVERNMENT	DESCRIPTION
12	Exhibit 1	Report of Tim Gravette,

14 (Comments—Exhibit 1 attached to this complaint.)

15

16

INFORMATION TO BE SUPPLIED

19	DESCRIPTION	PAGE
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21

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2 C E R T I F I C A T E

3

4 STATE OF NEW YORK)
)
5 COUNTY OF QUEENS) ss:
)

6

7 I, DEBORAH MOSCHITTO a Shorthand

8 Reporter and Notary Public within and for the

9 State of New York, do hereby certify:

That the within is a true and

11 accurate transcript of the testimony taken on the

12 24th of February, 2021.

13 I further certify that I am not

14 related to any of the parties to the proceeding by

15 blood or marriage, and that I am in no way

16 interested in the outcome of this matter.

17 IN WITNESS WHEREOF, I have h

18 set my hand this day 10th of March, 2021.

19

20

DEBORAH MOSCHITTO

21

22

23

24

25

1 DEPOSITION ERRATA SHEET

2

3

4 Case Caption: MORRISON V. USA

5

6 DECLARATION UNDER PENALTY OF PERJURY

7

8 I declare under penalty of perjury
9 that I have read the entire transcript of my
10 Deposition taken in the captioned matter or
11 the same has been read to me, and the same is
12 true and accurate, save and except for
13 changes and/or corrections, if any, as
14 indicated by me on the DEPOSITION ERRATA
15 SHEET hereof, with the understanding that I
16 offer these changes as if still under oath.

17 _____

18 ROY TIMOTHY GRAVETTE

19 Subscribed and sworn to on the ____ day of
20 _____, 20 ____ before me.

21 _____

22 Notary Public,

23 in and for the State of

24 _____.

25

1 DEPOSITION ERRATA SHEET

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25 ROY TIMOTHY GRAVETTE

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25 ROY TIMOTHY GRAVETTE